

**John Warner National Defense Authorization Act for Fiscal Year 2007**  
**PL 109-364**

**Project Name:** Identification of Legal Requirements that Affect Information Technology and the Army

**Project Name Abbreviation/Acronym:** NDAA (FY 2007)

**Summary of Key Analysis Points:**

**Division A – Department of Defense Authorizations**

**Title I – Procurement**

Subtitle B – Army Programs

Section 115: The report from the Comptroller General includes a description of the responsibilities of the lead systems integrator and the Army under the Future Combat Systems contract. The Comptroller General's report would be conducted by the Army to ensure that the lead systems integrator meets the goals of the Future Combat Systems program.

**Title II – Research, Development, Test, and Evaluation**

Subtitle A – Authorizations of Appropriations

Section 201: Earmarks specify amounts for: (1) defense science and technology projects; and (2) the development and validation of warfighter rapid awareness processing technology.

**Title VIII – Acquisition Policy, Acquisition Management, and Related Matters**

Subtitle A – Provisions Relating to Major Defense Acquisition Programs

Section 811 (b): It is required that the Department of Defense information technology business systems be fielded within five years of the system entering the technology development phase of the acquisition process, known as Milestone A approval. From researching this it was found that the committee is concerned that many large information technology acquisition programs begin with a large return but fail to supply the needed products to the Department of Defense. This section limits the time allowed for development of the systems.

**Title XII – Matter Relating to Foreign Nations**

Subtitle A – Assistance and Training

Section 1206 and 1207: National Defense Authorization Act (FY 2007) authorizes the Secretary of Defense to provide electronically-distributed learning content and associated information and technology. This assists the education and training of military and civilian personnel of friendly foreign governments and personnel of internationally-recognized non-governmental organizations. This training enhances U.S. national security objectives and to improve interoperability between U.S. Armed Forces and military forces of friendly foreign countries.

## **Further Analysis**

Key Points to examine: (1) an identification of the mechanisms in place to ensure the protection of the interests of the United States in the Future Combat Systems program; and (2) an identification of the mechanisms in place to mitigate organizational conflicts of interest with respect to competition on Future Combat Systems technologies and equipment under the subcontracts under the Future Combat Systems program.

The National Defense Authorization Act (FY 2007) extends the abilities of the United States Department of Defense's Information Technology capabilities to operate effectively by doing the following:

- Placing caps on the length of time an information technology tool is developed,
- The testing and evaluation of a project before it is executed on a large scale,
- Reducing the inefficiency of the tool once it is deployed,
- And, enhancing the development and validation of warfighter rapid awareness processing technology with the Army and all other military entities.

## **New and Altered Policy:**

### **Division A – Department of Defense Authorizations and Army Programs**

- **Title I: Subtitle B – Army Programs: Section 114(a) - Change in Policy:** Not more than 75 percent of the amount authorized to be appropriated for the Army for fiscal year 2007 for other procurement shall be made available for obligation until the Secretary of the Army submits to the congressional defense committees a report on said program that includes matters specified to the following: The Joint Network Node (JNN), the Warfighter Information Network-Tactical (WIN-T) Program and The Mounted Battle Command On-the-Move (MBCOTM) System.
  - Analysis: Research will be conducted to determine if any of the above referenced systems are opportunities that leverage technologies and equipment to develop other technology systems.
  - Descriptions: The JNN, WIN-T, and MBCOTM are elements in a tactical network; the Army must sustain the JNN through fiscal year 2020, and plans for the Army for the insertion of new technology into the JNN.
  - Assessments: The cost of acquiring each of the systems is unknown. This policy change provides the Department of Defense a chance to forecast their needs on the basis of current conflicts.
- **Title II: Subtitle A – Authorizations of Appropriations: Section 202: Change in Policy:** Of the amounts authorized to be appropriated by section 201, \$11,662,554,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced

technology development projects. The Joint Technology Office must revise a roadmap for the Department of Defense hypersonics programs.

- Analysis: Not considered a major change just an emphasis on the budgeted amount for the progression of the Defense Science and Technology Program.
  - Descriptions: As a reference, these are activities for Defense Activity 1,2,3 (Army, Navy, Air Force).
  - Assessments: The Army receives \$10,876,609,000, which is separate from the Department of Defense allotted budget.
- **Title II: Subtitle B-Program Requirements, Restrictions, and Limitations:**  
**Section 217: Change in Policy**: A report must be in both classified and unclassified form containing an analysis and evaluation of international research and technology capabilities, including identification of any technology areas in which the United States may not have global technical leadership within the next 10 years. Included in this report must be benefits in relation to the current Joint Warfighting Science and Technology Plan, The Defense Technology Area Plan, and the Basic Research Plan of the Department of Defense. If said budget fails to comply with the objective, the Secretary of Defense must submit a detailed and prioritized list, including estimates of highly rated science and technology projects. These projects must not be funded solely due to lack of resources but must represent science and technology opportunities that support the research, development programs, and goals of military departments and Defense Agencies.
    - Analysis: This policy amends Section 212 of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 2501) and is amended in subsection (a) by striking “especially the Air Force Science and Technology Program,” (b) Extending such section is amended in subsection (b) by striking “through 2009” and inserting “through 2012,” (c) ACTIONS
    - Descriptions: By providing the reports referenced Section 217, this would allow various Defense Agencies to fund more research non-fielded technologies which could be utilized in the future.
    - Assessments: By amending the previous NDAA's would preserve equal treatment of all branches as they relate to Department of Defense objectives in research, development, and deployment of new technologies.
- **Title VIII: Subtitle A – Provisions Relating to Major Defense Acquisition Programs**  
**Section 811: Change in Policy**: The Department of Defense Executive may not provide Milestone approval for a system unless as part of the decision process for such approval. The Department of Defense Executive or entity that is the milestone decision authority for an information system described in subsection (c) is the POC.

- Analysis: Section 811 allows the Department of Defense to intensely review all business systems on an annual basis as directed by the Department of Defense. The change in policy sets an oversight committee to monitor the level of achievement in all of the systems to determine their adequacy before being utilized.
  - Descriptions: If an information system described in subsection (c), having received Milestone A approval, has not achieved initial operational capability within five years after the date of such approval, the system shall be deemed to have undergone a critical change in program requiring the evaluation and report required by section 2445c (d) of title 10, United States Code (as added by section 816 of this Act).
  - Assessment: The Department of Defense Executive is authorized to determine whether or not the system will achieve initial operational capability within a specified period of time not exceeding five years. Section 811 and 816 could have been combined, but were separated for budgetary purposes.
- **Title VIII: Subtitle B – Acquisition Policy and Management: Section 816: Change in Policy**: The Secretary of Defense may adjust the amounts on the basis of Department of Defense escalation rates. The program must be designated by the Secretary of Defense as a major information system program. The term “major automated information system” means a Department of Defense program for the acquisition of an automated information system either as a product or service.
    - Analysis: As noted earlier, major automated information systems are listed as “information systems” but are strongly related to Information Technology Systems.
    - Descriptions: The change in process was supplied by adding Part IV of Subtitle A of Title 10, United States Code, is amended by inserting after Chapter 144 the following new chapter: Chapter 144A – Major Automated Information System Programs.
    - Assessment: This chapter defines a major automated system; determines the cost schedule and performance information requirements; quarterly program reports and updates; and construction of other reporting requirements.
- **Title XII – Subtitle Assistance and Training: Section 1207: Change in Policy**: Provide information technology, including computer software developed for said purpose, but only necessary support for learning content for the education and training of foreign personnel. Authorized recipients are only military and civilian personnel of a friendly foreign government with the permission of that government. Authorizes the education and training materials and information technology to enhance military interoperability to certain foreign personnel.

- Analysis: This is an enhancement of interoperability between United States Armed Forces, military forces of friendly foreign countries, and the abilities of the Secretary of Defense.
- Descriptions: Each report for the fiscal year shall include the following: (1) statements of the recipients of learning content and information technology provided under said section; and (2) descriptions of the type, quantity, and value of the learning content and information technology provided under said section. This authority expires 30 Sep 2008.
- Assessment: The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth the modification guidance. If modification is required, the Secretary shall submit to the committees named in paragraph (2) a report setting forth the modified guidance not later than 30 days after the date of such modification.